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- Jacob D. Zeldes (1929-2013)

MEMO ENDORSED

November 16, 2020

Via Electronic Filing

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
Courtroom 2103
New York, NY 10007-1312

Re: Claridge Associates, LLC, et al. v. Schepis, et al. (15 cv 4514) (KPF)

Dear Judge Failla:

This letter is submitted on the behalf of the Defendants in the above-referenced action. The purpose of this letter is to respectfully request a brief six (6) day extension of time, **to and including Wednesday, November 25, 2020**, for the Defendants to file any potential Motion for Reconsideration and/or Reargument, pursuant to Local Civil Rule 6.3 and Fed. R. Civ. P. 59, with respect to the Court's Opinion and Order dated November 5, 2020 (Dkt. 178) regarding the Plaintiffs' *Second Motion for Partial Summary Judgment*.

The reason for this request is that, at the time that the subject Opinion and Order was issued on November 5, 2020, the undersigned was in the process of preparing for a four-day trial which in fact proceeded between November 6, 2020 and November 13, 2020 in the matter *Oronoque Shopping Plaza Association, Inc. v. Rakaj*, FBT-CV-20-6100462-S, Connecticut Superior Court, Judicial District of Fairfield at Bridgeport. Additionally, in the midst of said trial, the undersigned also was preparing for, and ultimately argued, an appellate argument in the matter *Jackson v. PennyMac Loan Services*, AC 43042 (Connecticut Appellate Court), which proceeded on November 12, 2020. As a result, the undersigned has had very limited opportunity to analyze the Court's Opinion and Order dated November 5, 2020. On a cursory level, the Court's Opinion and Order seems contrary to the Court's prior opinion and order entered on August 1, 2019 (Dkt. 160.00) denying the Plaintiffs' *First Motion for Partial Summary*. Again, however, the

undersigned simply has not had the requisite opportunity to analyze and determine if a motion for reconsideration and/or reargument is appropriate in the first instance, and thus requests a six-day extension to file such a motion.

The undersigned initially advised Plaintiffs' counsel that it intended to seek an extension of this time frame until December 1, 2020. However, due to the settlement over the weekend of another matter which had depositions prescheduled for this week, the Defendants now seek an extension only until November 25, 2020. Notwithstanding, the Plaintiffs have articulated that they object to any extension of this time frame. The Plaintiffs, after having been afforded both multiple attempts and multiple additional months to simply frame their motion for summary judgment, now take the position that this request for extension of time is without basis and solely for delay.

In view of all the foregoing, the Defendants respectfully request a brief six (6) day extension of time, **to and including Wednesday, November 25, 2020**, for the Defendants to file any potential Motion for Reconsideration and/or Reargument, pursuant to Local Civil Rule 6.3 and Fed. R. Civ. P. 59, with respect to the Court's Opinion and Order dated November 5, 2020 (Dkt. 178) regarding the Plaintiffs' *Second Motion for Partial Summary Judgment*.

Should the Court require additional information or materials, we respectfully remain available. Thank you for your consideration.

Respectfully Submitted,

Sabato P. Fiano

Sabato P. Fiano

Application GRANTED.

Dated: November 16, 2020 SO ORDERED.
New York, New York

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

cc: All appearing counsel of record via ECF